

HOUSE No.

Message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects. Ways and Means. January 11, 2013.

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON, MA 02133

(617) 725-4000



DEVAL L. PATRICK

GOVERNOR

TIMOTHY P. MURRAY

LIEUTENANT GOVERNOR

January 11, 2013.

To the Honorable Senate and House of Representatives:

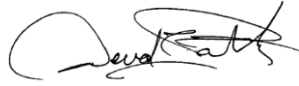
I am filing for your consideration a bill entitled “An Act Making Appropriations for the Fiscal Year 2013 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

This legislation includes items I filed on November 1, 2012 to address costs related to the breach at the Hinton State Laboratory, as well as reductions and other actions filed on December 4, 2012 that are necessary to address the projected tax revenue shortfall announced then and reflected in the revised fiscal year 2013 revenue estimate. In addition to those items, there are some additional items included in this legislation that require immediate consideration, including:

- \$1.02 million to support spring semester fee waivers for students previously or currently involved in the state’s foster care system.
- Transferability between the Department of Veterans’ Services benefits and annuities accounts, which will allow the department to use an identified surplus in the benefits account to fully fund annuity payments to veterans no later than February 1.
- Technical changes to the Healthcare Payment Reform Fund to allow the Health Policy Commission to begin implementing health care cost containment legislation.

Sufficient funds have been identified to support the additional appropriations within this legislation. Since several items are urgently needed, I request their prompt enactment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deval Patrick", with a stylized, cursive script.

DEVAL L. PATRICK

HOUSE No.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects.

Whereas, The deferred operation for this act would tend to defeat its purpose, which is forthwith to implement fiscal stability measures for fiscal year 2013, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. To provide for supplementing certain items in the general appropriation act and
2 other appropriation acts for fiscal year 2013, the sums set forth in section 2 are hereby
3 appropriated from the General Fund unless specifically designated otherwise in this act or in
4 those appropriation acts, for the several purposes and subject to the conditions specified in this
5 act or in those appropriation acts, and subject to the laws regulating the disbursement of public
6 funds for the fiscal year ending June 30, 2013. These sums shall be in addition to any amounts
7 previously appropriated and made available for the purposes of those items.

8 SECTION 2.

9	JUDICIARY	
10	<i>Committee for Public Counsel Services.</i>	
11	0321-1510.....	\$25,000,000
12	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE	
13	<i>Reserves.</i>	
14	1599-3384.....	\$5,000,000
15	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
16	<i>Department of Developmental Services.</i>	
17	5930-1000.....	\$11,000,000
18	EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT	
19	<i>Department of Housing and Community Development</i>	
20	7004-0101.....	\$39,000,000
21	7004-0108.....	\$5,300,000
22	EXECUTIVE OFFICE OF EDUCATION	
23	<i>Department of Higher Education</i>	
24	7066-0021.....	\$1,017,551
25	EXECUTIVE OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY	
26	<i>Military Division.</i>	

27 8700-1150..... \$2,500,000

28 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
29 provide for an alteration of purpose for current appropriations, and to meet certain requirements
30 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
31 specifically designated otherwise in this section, for the several purposes and subject to the
32 conditions specified in this section, and subject to the laws regulating the disbursement of public
33 funds for the fiscal year ending June 30, 2013. These sums shall be in addition to any amounts
34 previously appropriated and made available for the purposes of those items.

35 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

36 *Reserves*

37 1599-0054 For a reserve for costs of the investigation and response related to the breach at
38 the Drug Analysis Laboratory at the Dr. William A. Hinton State Laboratory Institute; provided,
39 that the secretary of administration and finance may transfer funds from this item to state
40 agencies, as defined in section 1 of chapter 29 of the General Laws, municipalities and the
41 judicial department for this purpose; provided further, that these transfers shall occur on a
42 monthly basis in incremental amounts based on costs to investigate or respond to the Hinton
43 Laboratory breach unless the secretary determines that funds must be transferred more or less
44 frequently in order to meet necessary funding needs of state agencies and municipalities;
45 provided further, that transfers shall be made in accordance with an executed memorandum of
46 agreement between the secretary and each entity receiving funding, documenting the types of
47 costs eligible for funding pursuant to this item and other terms of funding that the secretary
48 considers appropriate, a copy of which shall be filed with the chairs of the house and senate

49 committees on ways and means within 10 days after the agreement's execution; provided further,
50 that requests for funding of eligible costs pursuant to any such memoranda of agreement shall
51 include documentation evidencing these eligible costs that the secretary, in his sole discretion,
52 determines to be sufficient; provided further, that no transfers shall be made from this item
53 before the filing of the applicable memorandum of agreement with the house and senate
54 committees on ways and means; and provided further, that the secretary shall file a quarterly
55 report with the chairs of the house and senate committees on ways and means which identifies,
56 by funding recipient: (a) all funding requests and transfers made for the quarter that has most
57 recently ended; (b) the total funding requested and transfers by fiscal year; and (c) projected
58 funding required for the forthcoming
59 quarter.....\$30,000,000

60 1599-1712 For a reserve for costs incurred in response to Hurricane Sandy storms; provided, that
61 the comptroller shall transfer funds made available in this item to other departments for this
62 purpose upon the written request of the secretary of administration and finance; and provided
63 further, that expenditures from this item shall be offset by federal reimbursements to the extent
64 available \$3,000,000

65 1599-2007 For a reserve for costs incurred in implementing chapter 224 of the acts of
66 2012.....\$3,000,000

67 Reduce Unrestricted General Government Aid Appropriations

68 SECTION 3. (a) Item 1233-2350 of section 2 of chapter 139 of the acts of 2012 is hereby
69 amended by striking out the figure "\$898,980,293" and inserting in place thereof the following
70 figure :- \$889,990,490.

(b) The unrestricted general government aid appropriated to each municipality in section 3 of said chapter 139 shall be reduced by 1 per cent.

(c) The state lottery commission shall file a report estimating total net operating revenues for fiscal year 2013 with the secretary of administration and finance and the comptroller, not later than June 15, 2013. If that estimate exceeds the total net operating revenues forecast by the state lottery commission in its October 15, 2012 report, the amounts appropriated in said item 1233-2350 and to each municipality in said section 3, as reduced by subsections (a) and (b), shall be increased proportionate to the amount of that excess, as determined by the comptroller, and the increased amounts shall be included in the final unrestricted general government aid payments to municipalities for fiscal year 2013.

Reduce Debt Service Appropriation

SECTION 4. Item 0699-0015 of section 2 of chapter 139 of the acts of 2012 is hereby amended by striking out the figure “\$2,010,444,553” and inserting in place thereof the following figure :-
\$1,968,056,853.

Reduce Debt Service Appropriation

SECTION 5. Item 0699-9100 of section 2 of chapter 139 of the acts of 2012 is hereby amended by striking out the figure “\$29,131,247” and inserting in place thereof the following figure :-
\$16,384,477.

Veteran’s Services Transferability

SECTION 6. Item 1410-0400 of Section 2 of chapter 139 of the acts of 2012 is hereby amended by adding the following words:- “and provided further, that the department of veteran’s services may transfer funds from this item to item 1410-0300”

Reduce MATF Transfer

SECTION 7. Item 1595-1068 of section 2E of chapter 139 of the acts of 2012 is hereby amended by striking out the figure “\$566,306,556” and inserting in place thereof the following figure :- \$565,006,556.

Reduce MTTF Transfer

SECTION 8. Item 1595-6368 of section 2E of chapter 139 of the acts of 2012 is hereby amended by striking out the figure “\$166,591,136” and inserting in place thereof the following figure :- \$161,713,136.

Increase Stabilization Fund Transfer

SECTION 9. The first sentence of subsection (a) of section 160 of said chapter 139 is hereby amended by striking out the figure “\$350,000,000” and inserting in place thereof the following figure:- \$550,000,000.

SSYI and ELL Grants

SECTION 10. Section 187 of said chapter 139 is hereby repealed.

Stabilization Fund Support for Hinton Lab Costs

SECTION 11. Notwithstanding the last paragraph of section 2H of chapter 29 of the General Laws, for the purpose of covering the costs authorized under item 1599-0054 of section 2A, the

comptroller shall transfer to the General Fund the amount of those authorized costs from the proceeds of one-time settlements or judgments that would otherwise be transferred to the Commonwealth Stabilization Fund, according to a schedule approved by the secretary of administration and finance and considering the cash flow needs of the commonwealth. If the costs authorized under that item exceed the funds available from the proceeds of one-time settlements or judgments that would otherwise be transferred to the Commonwealth Stabilization Fund, the balance of the amount of the authorized costs, not exceeding a total of \$30,000,000 of authorized costs, shall be transferred from the Commonwealth Stabilization Fund for this purpose. Funds from the reserve created in said item 1599-0054 may be spent in anticipation of deposits under this section.

Healthcare Payment Reform Fund Technical Fix

SECTION 12. Chapter 194 of the acts of 2011 is amended by striking out section 100 and inserting in place thereof the following section:-

Section 100. There shall be established and set up on the books of the commonwealth a Healthcare Payment Reform Trust Fund, in this section called the fund. The fund shall be credited with any monies transferred under section 97 and any monies credited or transferred to the fund from any other fund or source. The health policy commission shall be the trustee of the fund and may expend from the fund, without further appropriation, to carry out the purposes of chapter 224 of the acts of 2012. For the purpose of accommodating discrepancies between the receipt of revenues and related expenditures, the commission may incur obligations and the comptroller may certify payment amounts not to exceed the most recent revenue estimate

131 submitted by the commission and approved by the comptroller, but the fund shall be in balance
132 by the close of fiscal year 2014.

133 Expanded Allotment and 9C Authority

134 SECTION 13. Notwithstanding any general or special law to the contrary, during fiscal year
135 2013, the power of the governor or the secretary of administration and finance to allot funds
136 under section 9B of chapter 29 of the General Laws shall extend to any monies appropriated by
137 the general court. The procedures in section 9C of said chapter 29 shall apply to allotments under
138 this section.

139 CCTF Transfer Flexibility

140 SECTION 14. Notwithstanding any general or special law to the contrary, the secretary of
141 administration and finance may reduce the transfer to the Commonwealth Care Trust Fund in
142 item 1595-5819 of section 2E of chapter 139 of the acts of 2012, if he determines that
143 expenditures from the Fund are lower than anticipated or that revenue to the Fund is higher than
144 anticipated.

145 Line-item Transferability

146 SECTION 15. Notwithstanding any general or special law to the contrary, the secretary of
147 administration and finance may authorize the transfer of funds from any item of appropriation for
148 fiscal year 2013 for any executive branch agency to any other item of appropriation for that
149 agency or within its executive office. No transfer authorized by this section shall exceed 5 per
150 cent of the amount appropriated for an item. The secretary of administration and finance shall

151 notify the house and senate committees on ways and means 15 days before a transfer pursuant to
152 this section.

153 Non-9C Reductions

154 SECTION 16. Notwithstanding any general or special law to the contrary, the amounts
155 appropriated for fiscal year 2013 as of December 1, 2012 for departments or agencies not subject
156 to section 9C of chapter 29 of the General Laws shall be reduced by 1 per cent, unless within 14
157 days after the effective date of this act, the department or agency head files with the clerks of the
158 senate and house of representatives, the secretary of administration and finance, and the
159 comptroller, a statement specifying the same total amount of reductions allocated among the
160 items of appropriation for that department or agency. This statement shall operate as a statutory
161 reduction of the specified appropriations by the specified amounts. For the purpose of this
162 section, the items for the judicial department shall be items 0320-0003 to 0339-2100, inclusive,
163 and the department head of the judicial department shall be the chief justice of the supreme
164 judicial court, the chief justice of the trial court, and the trial court administrator, acting jointly.

165 Collective Bargaining Transferability and Validation

166 SECTION 17. (a) The salary adjustments and other economic benefits authorized by the
167 following collective bargaining agreements shall be effective for the purposes of section 7 of
168 chapter 150E of the General Laws:

169 (1) between the commonwealth and the Massachusetts Nurses Association, Unit 7;

170 (2) between the University of Massachusetts and the International Brotherhood of Teamsters,

171 Local 25 (Unit B33), for the Boston campus;

172 (3) between the University of Massachusetts and the American Federation of Teachers, Local
173 1895, AFL-CIO, Faculty Federation (Units D80 and D81), for the Dartmouth campus;
174 and

175 (4) between the University of Massachusetts and the Federation of Maintenance and
176 Custodial Employees, MFT, AFT, AFL-CIO (Unit D83), for the Dartmouth campus.

177 (b) Notwithstanding any general or special law to the contrary, the secretary of administration
178 and finance may transfer funds among items 1599-4440, 1599-4441, 1599-4442, 1599-4443, and
179 1599-4444 of section 2 of chapter 139 of the acts of 2012.